

Applicant: Jeffrey P. Milsap
Application No.: 10/024,159
Response to Office action dated Jul. 29, 2005
Response filed January 27, 2006

Remarks

Claims 1-23 remain pending in the application. In the Office action dated Jul. 29, 2005, claims 1-3, 6, and 7 were rejected as anticipated by Lobb et al. Claims 4 and 5 were rejected as obvious over Lobb et al. in view of Griffin et al. Claims 8, 9, 10 and 13 were rejected as obvious over Lobb in view of Pompei. Claims 11 and 12 were rejected as obvious over Lobb et al. in view of Pompei and further in view of Griffin et al. Claims 14-16, 18 and 20 were rejected as obvious over Lobb et al. Claim 17 was rejected as obvious over Lobb et al. in view of Griffin et al. Claim 21 was rejected as obvious over Lobb et al. in view of Pompei. Claim 22 was rejected as obvious over Lobb in view of Cohen and finally claim 23 was rejected as obvious over Lobb in view of Pompei and further review of Hirohama.

In the accompanying Rule 131 declaration, the inventor declares facts making out a conception date prior to Jan. 9, 2001, followed by diligence from Jan. 9, 2001, to reduction to practice on Sep. 10, 2001, which was followed by filing of the present application on Dec. 18, 2001. Therefore applicant removes any reference with a publication date or priority date on or after Jan. 9, 2001.

Lobb et al. has a filing date of Mar. 1, 2001, and a publication date of Sep. 19, 2002.

Pompei has a filing date of Jan. 11, 2001, and a publication date of June 12, 2001.

Pompei is a continuation-in-part of an earlier application with a filing date of Apr. 27, 1999, but this date is only applicable if the examiner restricts his rejection to only the subject matter in Pompei which is shown in the earlier application.

Therefore, Lobb et al. and Pompei do not have a publication date under 35 USC§ 102(b) more than one year before the present application's filing date, nor a priority date under 35 USC§ 102(a) or 35 USC§ 102(e) prior to Jan. 9, 2001, for which date applicant has shown prior conception followed by diligence until reduction-to-practice. These references are removed unless the examiner declares an interference between applicant's claims and the claims of one or

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more of the references sworn behind, and as a result thereof makes a rejection under 102(g)(1)/103(a).

The examiner's attention is drawn to other art of record:

- * Hooley US 2001/0043652 [0129] now 6,373,955 with an earliest publication date of the October 3, 1996;
- * Fujinami 5,974,152 the earliest publication date is not known by applicant because the foreign priority claim is not correct on the patent cover sheet; and
- * It is requested that relevant art of record in Lobb et al. be cited by the examiner and made of record.

Applicant believes that no new matter has been added by this amendment.

Applicant submits the examiner's grounds for rejection have been overcome by removal of one or more references forming the basis of each rejection.

Respectfully submitted,



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